G.R.S. 57.]

File No. 12-17

1917 Serial Nos. 145

1917-18

GENERAL AND REVENUE SECRETARIAT.

(Legis) 57

Part A:- Manuscript
for February 1918

The Defence of India Regulation

Serial Nos. 145.

To the J A Resident

No. Pol-548 Dt. 15-12-1917.

forwards a Copy of the Defence India Bill and States that the Bill will be placed before the Legislative Council

2. From the J. A. Resident
GPB—5,000—20-3-06.
to Mysore.
No 54 Dated 4-1-1918.
Informs that the Resident has to bring to the notice of the Rt. Hon'ble

blaced before the L. C.

3. To the Compiler, Mysore Gazette.
No J 3523 dt 23-2-1918.
Orders the publication of the
Defence of India Regulation as
Regulation No I of 1918 —

J. R. S. 11] 1917

? 288
23.11.17

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

P. R. Legis 46-16

File No. 12-17

FILE HEADING.

The Defence of India Regulation

From

No.	Dated	Received
Diary No.	Enclos. Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Pres 685-17

Subd. The Defence of India (Emergency) Regulation was passed as an emergent measure under sec: 15 of the Mysore Legn Council Regn, 1907, on the 21st Aug: 1917 and first published in the Mysore Gazette on 25/8/17.

NOTES—First Sheet.

16

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Legis File No. 12 of 191 7

Serial No.

2) This was done in order to enable rules being issued for controlling the tanning of sheep and goat skins and trade in tanning bark as required by the Munition Board. This Emergency Reg. will be in force only upto 24th February 1918 unless orders are now received if the Bill on the lines of the Emergency Reg. be referred to the Legislative Council in the usual course for being passed into law so as to keep the measure in force longer.

S.V.S
16/11/17

3) It seems absolutely necessary to have this Regulation in force till the war is over. If approved, this will be included in the agenda for the next meeting. Sanction of this Hon'ble Member is necessary for passing it as a regular Regulation.

Submitted for orders

G. Srinivasa Ayyangar 16/11

4) Chief Secretary / 1st member

C. S. Balasundaram Iyer 19/11/17

5) Yes. Must be done

M. K. 20/11

5) Maybe considered at the next meeting of council

Dewan 20/11/17

7) Yes — Dewan 20.11.17

Swiss. Previous file Legis 46-16 has been referred unofficially to the Director of Industries for opinion on the Report from the Residency Co. regarding the concession granted in the case of tanning of sheep and goat skins.

16/11/17

NOTE—Contn. sheet.

185-9 20.11.17

27/12 21.11.17

SPM 21/11/17

Extract from the Proceedings of the 436th Meeting of the Council of His Highness the Maharaja, held at Bangalore, on the 22nd November 1917.

18. Subject.-Clause ii of the Schedule.

Question of extending the period of operation of the Defence of India Emergency Regulation.

OPINION OF THE COUNCIL.

The Regulation may be placed before the Legislative Council at the next meeting.

Sd. M. Visvesvaraya,
Dewan of Mysore.

"EXTRACT"

C.S. Balasundaramayya
Chief Secretary to Government,
~~General Department~~

WD—156—GPB—1,000—19-7-16.

(18) WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

File No. 27/11/17 of 191

Serial

9) To the Assistant Secretary, Branch III, for kindly submitting the file to the First Member of Council with a draft Final Note.

C. S. Balasundaram Chetty Dewan
28/11/17

10) Draft Final Note is submitted for favour of approval.

28/11

First Member

11) Fair final note signed by 1st member is put up

28/11/17

12) Done submitted

C. S. Balasundaram Chetty Dewan
29/11/17

28/11/17

NOTE—Contn. sheet.

(6

Submitted to His Highness.

/ — x

7 16) *I submit herewith a Final Note by the* First *Member of Council on the subject of* the Defence of India Bill, ...

.....

for His Highness' gracious approval.

SPR

4th Dec 1917

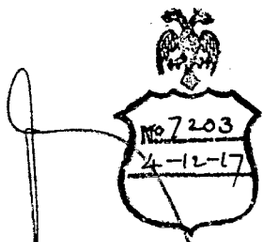
Dewan.

(6)

C-268 (7)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.



Proposal to place the Defence of India Bill before the next meeting of the Legislative Council.

568

Order.

17) 8/12/17

18) Ch-Leg 9/12/17 M. Kantaraja Urs C.S.B

19) 11/12

C. Srinivasa Iyer

10-12-17

7

6825.

J 1663

) 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 12 of 191 7

Serial No. 24/ Subw.

S.V.S. 24/1/18

Ees 24/1 G. Srinivasa Rayar

25/ Subw.

The Bill ~~has~~ was introduced into the Legis. Council on 21/2/18 and by suspending the rules of business was passed at one sitting. Copy of the Bill as finally passed is kept in the file. ~~Also~~ As the Emergency Regn on the point will cease to have force after the 26th inst., His Highness' gracious approval for promulgating the Bill is required by that time. A draft final note and a draft submn note are put up!

S.V.S. 21/2/18 26/ Draft final note is submitted for favour of approval.

G. Srinivasa Rayar Ees 21/2

Joint Member)

A.R.B 21/2

28.2.18 / 21.2.18 27/ Fair final note signed by the 1st member is put up.

28/ Submitted with draft Submission note for favour of Dewani approval

21/2/18

G. Srinivasa Rayar Ees 21/2

Chief Secretary)

4457 / 21-2-18

Dewan

C. V. Balasubramaniam 21/2/18

NOTE—Contn. sheet.

(10

Final Note by the First Member of Council

Subject:—

Promulgation of the Defence of India Bill as law.

The Defence of India Bill intended to keep in force the provisions of the Defence of India (Emergency) Regulation V of 1917 was introduced into the Legislative Council on the 21st February 1918 and by the suspension of the rules of business was considered and passed at one sitting that day. As the Emergency Regulation V of 1917 ceases to be in force after the 24th February 1918 this Bill has to be passed into law on or before that date.

The Bill requires the gracious approval of His Highness before that date.

Member of Council.
21 2 18

21st February 1918.

(10

C-280 12

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Promulgation of the Defence of India Bill into law.

No 7493 21-2-18

967

Ord...

22/2/18

Chief Secretary

23.2.18 for M. Viswesvaraiya (Dewan)

C.S.B

Todays Proceedings as regards Ordinances &c. Srinivasa Ayyar

1.3. 297/1.3. 1.3

368. 28.2.18.

8.3.

8/3

12

1663

WD 1233—GPB—60,000—1-12-16—S. 13

G. R. S. III-2]

General and Revenue Secretariat. | Legis File No. 12 of 1917

Serial No.	
	Subd. with a draft order for publishing the Regn S.V.S 23/2/18 N.I - Issue advice & copy G Srinivasa Ayya
3	To The compiler Impore Gazette No 3523 23rd Feb 1918 Orders the publication of the Defence of India Regulation as Regulation No I of 1918.

Subd (3)

A 18/3

Serial No.	
	Spare copies of Regn I of 1918 The Defence of India Regn have been received. 2 drafts forwarding the usual no of copies to the Residency and H.E.H. the Nizam's Govt are put up S.V.S 26/2/18 Issue & Mr G. Srinivasa Ayya

Take out and keep in the main file

4	To The H.A. Residency No Pol 809 2-3-1918 Forwards 9 copies of the Defence of India Regn I of 1918

Subd

13

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

14

G. R. S. III-2]

General and Revenue Secretariat. | Desi File No. 12 of 191 7.

Serial No. 5

To The Secretary to the Govt of H. E. H. the Nizam Hyderabad Deccan

No 3615 — 4th Mar 1918

Forwards 2 copies of the Defence of India Regulation No I of 1918

14

NOTE—Contn. sheet.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT,

( )

, the *191*

Date of issue 15/12/1917

Signed by S. Balasundaram
Dyer

Section Legis
File No. 12-17
Serial No.

Letter No. 701.5748/Conf. dated 14th December 1917

To

The F. A. Resident in Mysore

Sir

I am directed to forward herewith a copy of the Defence of India Bill together with a statement of objects and reasons and to state that the Bill will be placed before the Legislative Council in due course

I have &c

OVER.

For Chief Secy to Govt

DIARY No. 1663

23 JAN 1918

Pol. 1036 / 18 Letter No. 54.

dated 23rd January 1918

	-10
SECTION	Pol.
FILE No.	12-17
SERIAL No.	2

FROM

MAJOR E. H. S. JAMES,

Offg. FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Read in the Branch on 23-1-18. Ltr. 4-39

GEN. & REV. SECRETARIAT III JUDICIAL 23 JAN 1918

Dated Bangalore, 4th January 1918.

Sir,

With reference to your letter No. 548-Pol., dated the 15th December 1917, forwarding a copy of the Defence of India Bill, I am directed to say that the Resident sees no prima facie objection to the Bill being placed before the Legislative Council.

I have the honour to be,

Sir,

Your most obedient servant,

for First Assistant Resident.

R. O. 2.—R. P. B.—10-1917.—1,000

Registered No. M.—1175.

Regulation No I of 1918

The Defence of India [illegible] Law.

(Received the assent of His Highness the Maharaja on the 6th day of February 1918.)

Whereas it is expedient to enforce in Mysore the provisions of the Defence of India (Criminal Law Amendment) Act, 1915 (No.IV of 1915) of British India as amended by Act II of 1916 ; His Highness the Maharaja is pleased to enact as follows:-

1. The Defence of India (Criminal Law Amendment) Act IV of 1915, as amended by Act II of 1916 shall mutatis mutandis be enforced in Mysore as long as and to the same extent as the Act is in force in British India.

2. It shall apply to all subjects of the State whether resident in or out of Mysore, and to all persons resident within the State.

3. The Defence of India (Emergency) Regulation No. V of 1917, is hereby repealed.

M. VISVESVARAYA,
Dewan.

ACT No. IV OF 1915

An Act to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences.

WHEREAS, owing to the existing state of war it is expedient to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences; It is hereby enacted as follows :—

Short title, extent and duration.

1. (*1*) This act may be called the Defence of India (Criminal Law Amendment) Act, 1915.

(2) It extends to the whole of British India including British Baluchistan, the Sonthal Parganas and the District of Angul.

(3) This section and section 2 shall come into operation at once. The Governor General in Council may, by notification in the *Gazette of India*, direct that the rest of the Act shall come into operation in any province or part thereof on such date as may be specified in such notification.

(4) This Act shall be in force during the continuance of the present war and for a period of six months thereafter:

Provided that the expiration of this Act shall not affect the validity of anything done in pursuance of it and any person convicted under this Act may be punished as if it had continued in force and all prosecutions and other legal proceedings pending under this Act at the time of the expiration thereof may be completed and carried into effect, and the sentences carried into execution as if this Act had not expired.

Power to make rules.

2. (1) The Governor General in Council may make rules for the purpose of securing the public safety and the defence of British India and as to the powers and duties of public servants and other persons in furtherance of that purpose.

In particular and without prejudice to the generality of the foregoing power, rules under this section may be made

(*a*) to prevent persons communicating with the enemy or obtaining information which may be used for that purpose;

(*b*) to secure the safety of His Majesty's forces and ships and to prevent the prosecution of any purpose likely to jeopardise the success of the operations of His Majesty's forces or the forces of His Allies or to assist the enemy;

(*c*) to prevent the spread of false reports or reports likely to cause disaffection or alarm or to prejudice His Majesty's relations with Foreign Powers or to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

(*d*) to empower any civil or military authority to issue such orders and take such measures as may be necessary to secure the safety of railways, ports, dockyards, telegraphs, post offices, works for the supply of gas, electric light or water, sources of water-supply, all means of communication and any areas which may be notified by such civil or military authority, as areas which it is necessary to safeguard in the public interest;

(*e*) to enable any naval or military authority to take possession of any property, moveable or immoveable, for naval or military purposes, and to issue such orders and do such acts in respect of any property as may be necessary to secure the public safety or the defence of British India or any part thereof;

(*f*) to empower any civil or military authority, where in the opinion of such authority, there are reasonable grounds for suspecting that any person has acted, is acting or is about to act in a manner prejudicial to the public safety, to direct that such person shall not enter, reside or remain in any area specified in writing by such authority, or that such person shall reside and remain in any area so specified, or that he shall conduct himself in such manner or abstain from such acts, or take such order with any property in his possession or under his control, as such authority may direct;

(*g*) to prohibit or regulate the possession of explosives, inflammable substances, arms and all other munitions of war;

(*h*) to prohibit anything likely to prejudice the training or discipline of His Majesty's forces and to prevent any attempt to tamper with the loyalty of persons in the service of His Majesty or to dissuade persons from entering the military or police service of His Majesty;

(*i*) to empower any civil or mitary authority to enter and search any place if such authority h reason to believe that such place is being used for any purpose pjudicial to the public safety or to the defence of British India d to seize anything found there which he has reason to believe being used for any such purpose;

(*j*) to provide for the arrest of persons contravening or reasonably suspected of contravening ar rule made under this section and prescribing the duties of pulic servants and other persons in regard to such arrests;

(*k*) to prescribe the duties of pulic servants and other persons as to preventing any contraventid of rules made under this section and to prohibit any attempt to screen persons contravening any such rule from punishment;

(*l*) otherwise to prevent assistace being given to the enemy or the successful prosecution of the war being endangered;

(*m*) to require that there shall b placed, at the disposal of the Governor General in Council, the whole or any part of the output of any factory, workshop, mine c other industrial concern for the manufacture, preparation or extraction of any article or thing which, in his opinion, can be utilised in the prosecution of the present war;

(*n*) to take possession of, and use for the purpose of the Governor General in Council, any sich factory, workshop, mine or industrial concern or any appurtenances or plant thereof

(*o*) to require any work in any sich factory, workshop, mine or industrial concern to be done in accordance with the directions of the Governor General in Council

(*p*) to regulate or restrict the carrying out of work in any such factory, workshop, mine or industrial concern, or to remove the plant therefrom with the object of increasing the output of any other such factory, workshop, mine or industrial concern:

(*q*) to provide for any other action which may be necessary to regulate the possession or to facilitate the collection, manufacture, preparation or extraction of any article or thing, which can, in the opinion of the Governor General in Council, be utilized in the prosecution of the present war; and

(*r*) to regulate the sailings of British steamers from any port in British India, and to reserve, for the use of the Governor General in Council, all or any accommodation of whatever kind for the carriage of persons, animals or goods on any such steamers.

(*2*) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both, or if the intention of the person so contravening any such rule or order is to assist the King's enemies or to wage war against the King, may provide that such contravention shall be punishable with death, transportation for life or imprisonment for a term which may extend to ten years. to any of which punishments fine may be added.

(*3*) All rules made under this section shall be published in the *Gazette of India* and shall thereupon have effect as if enacted in this Act.

Power of Local Government to direct accused person to be tried by Commissioners.

3. (*1*) The Local Government may by order in writing direct that any person accused of anything which is an offence in virtue of any rule made under section 2, or accused of any offence punishable with death, transportation or imprisonment for a term which may extend to seven years, or of criminal conspiracy to commit, or of abetting, or of attempting to commit or abet any such offence shall be tried by Commissioners appointed under this Act.

(*2*) Orders under sub-section (*1*) may be made in respect of all persons accused of any offence referred to in that sub-section, or in respect of any class of

(2) In the event of any difference of opinion between the Commissioners the opinion of the majority shall prevail.

Powers of Commissioners.

6. (1) The judgment of Commissioners appointed under the Act shall be final and conclusive and such Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted and no order of confirmation shall be necessary in the case of any sentence passed by them.

(2) If in any trial under this Act it is proved that the accused person has committed any offence whether referred to in section 3 or in any order under that section or not, the Commissioners may convict such accused person of such offence and pass any sentence authorised by law for the punishment thereof.

Application of Criminal Procedure Code subject to modifications to proceedings under this Act

7. The provisions of the Code of Criminal Procedure, 1898, so far as they are inconsistent with the special procedure prescribed by or under this Act, shall not apply to the proceedings of Commissioners appointed under this Act, but save as otherwise provided, that Code shall apply to such proceedings and the Commissioners shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

Exclusion of interference of other criminal courts.

8. (1) Nothwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of Commissioners appointed under this Act, and no Court shall have authority to revise any such order or sentence, or to transfer any case from such Commissioners, or to make any order under section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction of any kind in respect of any proceedings under this Act.

person so accused, or in respect of persons or classes of persons accused of any particular offence therein referred to or accused of any class of such offences.

(3) No order under sub-section (1) shall be made in respect of or be deemed to include any person who has been committed under the Code of Criminal Procedure, 1898, for trial before a High Court, or in whose case an order for trial has been made under section 6 of the Indian Criminal Law Amendment Act, 1908, but, save as aforesaid, an order under that sub-section may be made in respect of or may include any person accused of any offence referred to therein whether such offence was committed before or after the commencement of this Act.

Appointment and qualifications of Commissioners.

4. (1) Commissioners for the trial of persons under this Act shall be appointed by the Local Government.

(2) Such Commissioners may be appointed for the whole province or any part thereof or for the trial of any particular accused person or class of accused persons.

(3) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who have served as Sessions Judges or Additional Sessions Judges for a period of not less than three years, or are persons qualified under section 2 of the Indian High Courts Act, 1861, for appointment as Judges of a High Court or are advocates of the Chief Court or pleaders of ten years' standing.

Procedure of Commissioners.

5. (1) Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial, and, in trying accused persons, shall, subject to any rules made by the Local Government in this behalf, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by magistrates:

Provided that such Commissioners shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is in their opinion necessary in the interests of justice.

(2) Nothing in sub-section (1) shall be deemed to affect the power of the Governor General in Council or the Local Government to make orders under section 401 or 402 of the Code of Criminal Procedure, 1898, in respect of persons sentenced by Commissioners under this Act.

Special rule of evidence.

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, where the statement of any person has been recorded by a Magistrate such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance or incapacity has been caused in the interest of the accused.

Rule-making powers of Local Government.

10. The Local Government may, by notification in the local offial Gazette, make rules providing for—

(i) the times and places at which Commissioners appointed under this Act may sit;

(ii) the procedure of such Commissioners including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person;

(iii) the manner in which prosecutions before such Commissioners shall be conducted, and the appointment and powers of persons conducting such prosecutions;

(iv) the execution of sentences passed by such Commissioners;

(v) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of section 3, and for the transmission of records to the Commissioners; and

(vi) any matter which appears to the Local Government to be necessary for carrying into effect the provisions of the Act relating or ancillary to trials before Commissioners.

Savings.

11. No order under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

Statement of objects and Reasons.

In order to provide for special measures to secure the public safety and the defence of British India and for the speedy trial of certain offences the Government of India passed the Defence of India (Criminal Law Amendment) Act, No.IV of 1915. The Provisions of this Act were applied mutatis mutandis to Mysore by the Defence of India (Emergency) Regulation, V of 1917, as an emergency measure under Section 15 of the Mysore Legislative Council Regulation, 1907. As under that section the Regulation will be in force only up to the 24th February 1918 and as it is found necessary to continue it in force here as long the Defence of India (Criminal Law Amendment) Act, 1915 is in force in British India, this Bill is now framed.

(2)

G. R. S. VI.—8-11-16]

2 DRAFT.

SUBJECT.....

.....

.....

Section. Mysore
File No. 12-14
Serial No. 4

Diary No. of letter replied to..... Letter No. 9d. 809/Secret dated 2nd March 1914

To

The First Assistant to the Hon'ble the Resident in Mysore.

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....191 .

SIR,

I am directed to forward herewith 9 copies of the Defence of India Regulation, I of 1914

Date of issue 2-3-1914

Signed H. S. Balasundaram
Sign.

I have etc.,

for *Secretary to Government.*

Draft

23

3.3.14

G. R. S. VI.—S-III/16]

2 DRAFT. C

124

SUBJECT.....

.....

.....

Section. Gen.
File No. 12-17
Serial No. 65

Letter. No. J. 3615 (2) dated the 4th March 1918

Diary No. of letter replied to.....

To The Secretary to the Govt of
~~The First Assistant to the Hon'ble~~
H. E. H. the Nizam (Judicial Dept.)
~~the Resident in Mysore.~~
Hyderabad (Deccan)

GENERAL AND REVENUE SECRETARIAT,

( )

, *the*.....191 .

SIR,

I am directed to forward herewith for two

copies of the Defence of India Regulations

Date of issue.....4/3/18.....

Signed by.....W. G. Srinivasa Iyer.....

No. I of 1918

.....

.....

.....

.....

I have etc.,

for *Secretary to Government.*

Draft C

124

Draft

Registered No. M.—1175.

1 24 G

The Mysore Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY.

BANGALORE, SATURDAY, FEBRUARY 23, 1918.

REGULATION No. I OF 1918.

The Defence of India Regulation.

(Received the Assent of His Highness the Maharaja on the 22nd day of February 1918.)

Whereas it is expedient to enforce in Mysore the provisions of the Defence of India (Criminal Law Amendment) Act, 1915 (No. IV of 1915) of British India as amended by Act II of 1916; His Highness the Maharaja is pleased to enact as follows:—

1. The Defence of India (Criminal Law Amendment) Act, IV of 1915, as amended by Act II of 1916 shall *mutatis mutandis* be enforced in Mysore as along s and to the same extent as the Act is in force in British India.

2. It shall apply to all subjects of the State whether resident in or out of Mysore, and to all persons resident within the State.

3. The Defence of India (Emergency) Regulation, No. V of 1917, is hereby repealed.

M. VISVESVARAYA,
Dewan.

ACT No. IV OF 1915.

An Act to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences.

WHEREAS owing to the existing state of war it is expedient to provide for special measures to secure the public safety and the defence of British India and for the more speedy trial of certain offences; It is hereby enacted as follows:—

Short title, extent and duration.

1 (*1*) This Act may be called the Defence of India (Criminal Law Amendment) Act, 1915.

25

(*2*) It extends to the whole of British India including British Baluchistan, the Sonthal Parganas and the District of Angul.

(*3*) This section and section 2 shall come into operation at once. The Governor General in Council may, by notification in the *Gazette of India*, direct that the rest of the Act shall come into operation in any province or part thereof on such date as may be specified in such notification.

(*4*) This Act shall be in force during the continuance of the present war and for a period of six months thereafter:

Provided that the expiration of this Act shall not affect the validity of anything done in pursuance of it and any person convicted under this Act may be punished as if it had continued in force, and all prosecutions and other legal proceedings pending under this Act at the time of the expiration thereof may be completed and carried into effect, and the sentences carried into execution as if this Act had not expired.

Power to make rules.

2. (*1*) The Governor General in Council may make rules for the purpose of securing the public safety and the defence of British India and as to the powers and duties of public servants and other persons in furtherance of that purpose.

In particular and without prejudice to the generality of the foregoing power, rules under this section may be made—

(*a*) to prevent persons communicating with the enemy or obtaining information which may be used for that purpose;

(*b*) to secure the safety of His Majesty's forces and ships and to prevent the prosecution of any purpose likely to jeopardise the success of the operations of His Majesty's forces or the forces of His Allies or to assist the enemy;

(*c*) to prevent the spread of false reports or reports likely to cause disaffection or alarm or to prejudice His Majesty's relations with Foreign Powers, or to promote feelings of enmity and hatred between different classes of His Majesty's subjects;

(*d*) to empower any civil or military authority to issue such orders and take such measures as may be necessary to secure the safety of railways, ports, dockyards, telegraphs, post offices, works for the supply of gas, electric light or water, sources of water-supply, all means of communication and any areas which may be notified by such civil or military authority, as areas which it is necessary to safeguard in the public interest;

(*e*) to enable any naval or military authority to take possession of any property, moveable or immoveable, for naval or military purposes, and to issue such orders and do such acts in respect of any property as may be necessary to secure the public safety or the defence of British India or any part thereof;

(*f*) to empower any civil or military authority where, in the opinion of such authority, there are reasonable grounds for suspecting that any person has acted, is acting or is about to act in a manner prejudicial to the public safety, to direct that such person shall not enter, reside or remain in any area specified in writing by such authority, or that such person shall reside and remain in any area so specified, or that he shall conduct himself in such manner or abstain from such acts, or take such order with any property in his possession or under his control, as such authority may direct;

(*g*) to prohibit or regulate the possession of explosives, inflammable substances, arms and all other munitions of war;

(*h*) to prohibit anything likely to prejudice the training or discipline of His Majesty's forces and to prevent any attempt to tamper with the loyalty of persons in the service of His Majesty, or to dissuade persons from entering the military or police service of His Majesty

(*i*) to empower any civil or military authority to enter and search any place if such authority has reason to believe that such place is being used for any purpose prejudicial to the public safety or to the defence of British India and to seize anything found there which he has reason to believe is being used for any such purpose ;

(*j*) to provide for the arrest of persons contravening or reasonably suspected of contravening any rule made under this section and prescribing the duties of public servants and other persons in regard to such arrests ;

(*k*) to prescribe the duties of public servants and other persons as to preventing any contravention of rules made under this section and to prohibit any attempt to screen persons contravening any such rule from punishment ;

(*l*) otherwise to prevent assistance being given to the enemy or the successful prosecution of the war being endangered ;

(*m*) to require that there shall be placed, at the disposal of the Governor General in Council, the whole or any part of the output of any factory, workshop, mine or other industrial concern for the manufacture, preparation or extraction of any article or thing which, in his opinion, can be utilised in the prosecution of the present war ;

(*n*) to take possession of, and use for the purpose of the Governor General in Council, any such factory, workshop, mine or industrial concern or any appurtenances or plant thereof ;

(*o*) to require any work in any such factory, workshop, mine or industrial concern to be done in accordance with the directions of the Governor General in Council ;

(*p*) to regulate or restrict the carrying out of work in any such factory, workshop, mine or industrial concern, or to remove the plant therefrom with the object of increasing the output of any other such factory, workshop, mine or industrial concern ;

(*q*) to provide for any other action which may be necessary to regulate the possession or to facilitate the collection, manufacture, preparation or extraction of any article or thing, which can, in the opinion of the Governor General in Council, be utilized in the prosecution of the present war ; and

(*r*) to regulate the sailings of British steamers from any port in British India, and to reserve, for the use of the Governor General in Council, all or any accommodation of whatever kind for the carriage of persons, animals or goods on any such steamers.

(*2*) Rules made under this section may provide that any contravention thereof or of any order issued under the authority of any such rule shall be punishable with imprisonment for a term which may extend to seven years, or with fine, or with both, or if the intention of the person so contravening any such rule or order is to assist the King's enemies or to wage war against the King, may provide that such contravention shall be punishable with death, transportation for life or imprisonment for a term which may extend to ten years ; to any of which punishments fine may be added.

(*3*) All rules made under this section shall be published in the *Gazette of India* and shall thereupon have effect as if enacted in this Act.

Power of Local Government to direct accused person to be tried by Commissioners.

3. (*1*) The Local Government may by order in writing direct that any person accused of anything which is an offence in virtue of any rule made under section 2, or accused of any offence punishable with death, transportation or imprisonment for a term which may extend to seven years, or of criminal conspiracy to commit, or of abetting, or of attempting to commit or abet any such offence shall be tried by Commissioners appointed under this Act.

(*2*) Orders under sub-section (*1*) may be made in respect of all persons accused of any offence referred to in that sub-section, or in respect of any class of

person so accused, or in respect of persons or classes of persons accused of any particular offence therein referred to or accused of any class of such offences.

(3) No order under sub-section (1) shall be made in respect of or be deemed to include any person who has been committed under the Code of Criminal Procedure, 1898, for trial before a High Court, or in whose case an order for trial has been made under section 6 of the Indian Criminal Law Amendment Act, 1908, but, save as aforesaid, an order under that sub-section may be made in respect of or may include any person accused of any offence referred to therein whether such offence was committed before or after the commencement of this Act.

Appointment and qualifications of Commissioners.

4. (1) Commissioners for the trial of persons under this Act shall be appointed by the Local Government.

(2) Such Commissioners may be appointed for the whole province or any part thereof or for the trial of any particular accused person or class of accused persons.

(3) All trials under this Act shall be held by three Commissioners, of whom at least two shall be persons who have served as Sessions Judges or Additional Sessions Judges for a period of not less than three years, or are persons qualified under section 2 of the Indian High Courts Act, 1861, for appointment as Judges of a High Court or are advocates of a Chief Court or pleaders of ten years' standing.

Procedure of Commissioners.

5. (1) Commissioners appointed under this Act may take cognizance of offences without the accused being committed to them for trial, and, in trying accused persons, shall, subject to any rules made by the Local Government in this behalf, follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of warrant cases by magistrates:

Provided that such Commissioners shall make a memorandum only of the substance of the evidence of each witness examined, and shall not be bound to adjourn any trial for any purpose unless such adjournment is in their opinion necessary in the interests of justice.

(2) In the event of any difference of opinion between the Commissioners, the opinion of the majority shall prevail.

Powers of Commissioners.

6. (1) The judgment of Commissioners appointed under the Act shall be final and conclusive and such Commissioners may pass upon any person convicted by them any sentence authorised by law for the punishment of the offence of which such person is convicted and no order of confirmation shall be necessary in the case of any sentence passed by them.

(2) If in any trial under this Act it is proved that the accused person has committed any offence whether referred to in section 3 or in any order under that section or not, the Commissioners may convict such accused person of such offence and pass any sentence authorised by law for the punishment thereof

Application of Criminal Procedure Code subject to modifications to proceedings under this Act.

7. The provisions of the Code of Criminal Procedure, 1898, so far as they are inconsistent with the special procedure prescribed by or under this Act, shall not apply to the proceedings of Commissioners appointed under this Act, but save as otherwise provided, that Code shall apply to such proceedings and the Commissioners shall have all the powers conferred by the Code on a Court of Session exercising original jurisdiction.

Exclusion of interference of other criminal courts.

8. (1) Notwithstanding the provisions of the Code of Criminal Procedure, 1898, or of any other law for the time being in force, or of anything having the force of law by whatsoever authority made or done, there shall be no appeal from any order or sentence of Commissioners appointed under this Act, and no Court shall have authority to revise any such order or sentence, or to transfer any case from such Commissioners, or to make any order under section 491 of the Code of Criminal Procedure, 1898, or have any jurisdiction of any kind in respect of any proceedings under this Act.

(2) Nothing in sub-section (1) shall be deemed to affect the power of the Governor General in Council or the Local Government to make orders under Section 401 or 402 of the Code of Criminal Procedure, 1898, in respect of persons sentenced by Commissioners under this Act.

Special rule of evidence.

9. Notwithstanding anything contained in the Indian Evidence Act, 1872, where the statement of any person has been recorded by a Magistrate such statement may be admitted in evidence in any trial before Commissioners appointed under this Act if such person is dead or cannot be found or is incapable of giving evidence, and the Commissioners are of opinion that such death, disappearance or incapacity has been caused in the interest of the accused.

Rule-making powers of Local Government.

10. The Local Government may, by notification in the local official Gazette, make rules providing for—

(*i*) the times and places at which Commissioners appointed under this Act may sit;

(*ii*) the procedure of such Commissioners including the appointment and powers of their President, and the procedure to be adopted in the event of any Commissioner being prevented from attending throughout the trial of any accused person;

(*iii*) the manner in which prosecutions before such Commissioners shall be conducted, and the appointment and powers of persons conducting such prosecution;

(*iv*) the execution of sentences passed by such Commissioners;

(*v*) the temporary custody or release on bail of persons referred to or included in any order made under sub-section (1) of Section 3, and for the transmission of records to the Commissioners; and

(*vi*) any matter which appears to the Local Government to be necessary for carrying into effect the provisions of the Act relating or ancillary to trials before Commissioners.

Savings.

11. No order under this Act shall be called in question in any court, and no suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

STATEMENT OF OBJECTS AND REASONS.

In order to provide for special measures to secure the public safety and the defence of British India and for the speedy trial of certain offences the Government of India passed the Defence of India (Criminal Law Amendment) Act, No. IV of 1915. The provisions of this Act were applied *mutatis mutandis* to Mysore by the Defence of India (Emergency) Regulation, V of 1917, as an emergency measure under Section 15 of the Mysore Legislative Council Regulation, 1907. As under that section the Regulation will be in force only up to the 24th February 1918 and as it is found necessary to continue it in force here as long as the Defence of India (Criminal Law Amendment) Act, 1915, is in force in British India, this Bill is now framed.

GPB—1,235—23-2-1918.

1917-18

Previous references.

File No. 12 of 1917-18

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

PROCEEDINGS OF THE GENERAL AND REVENUE SECRETARIAT.

JUDICIAL AND LEGISLATIVE.

(Legislation).

The Defence of India Regulation

"A" Collection: Serial Nos. 1-3

TABLE OF CONTENTS.

No.	Number and date of letter and contents.	Reference.	Page in A Proceedings
	Letter No Pol 548, dated 15th December 1917 to the First Assistant to the Hon'ble the Resident in Mysore Forwards a copy of the Bill and states that the Bill will be placed before the Legislative Council		
	Letter No 54, dated 2nd January 1918, from the First Assistant to the Hon'ble the Resident in Mysore Informs that there is no prima facie objection to the Bill being placed before the Legislative Council		

No	Date of letter and contents	Reference	Page in A. Proceedings
	G.O No F 3523, dated 23rd Febmary 1918, to the Compiler, Mysore Gazette Orders the publication of the Bill referred to Draft as Regulation No I of 1918		
	Letter No Pol 809, dated 2nd march 1918, to the First Assistant to the Hon'ble the Resident in Mysore. Forwards nine copies of the Regulation No I of 1918.		
5	Letter No F 3615, dated 4th march 1918, to the Secretary to the Government of His Exalted Highness the Nizam of Hyderabad Deccan.		